

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN ALAN BREWER,
Petitioner,
v.
WARDEN, FCI MENDOTA,
Respondent.

No. 2:24-cv-02485-CKD

ORDER

Petitioner, a federal inmate proceeding without an attorney, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and has paid the filing fee. In his habeas application, petitioner contends that the Bureau of Prisons refuses to apply his jail credits to his custody term. Petitioner is challenging the execution of his sentence while confined at FCI-Mendota which is located in the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may, on the court's own motion, be transferred to the proper division of the court. Therefore, this action will be transferred to the Fresno Division of the court.

Also pending before the court is respondent's motion to dismiss the § 2241 petition even though this court has not served the petition on respondent nor ordered any response to be filed. See Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254; see also Rule 1(b),

Rules Governing Section 2254 Cases (allowing the rules to be applied to other types of habeas petitions). Accordingly, the motion to dismiss will be stricken from the docket as prematurely filed.

Good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the United States District Court for the Eastern District of California sitting in Fresno; and

2. All future filings shall reference the new Fresno case number assigned and shall be filed at:

United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

3. Respondent's motion to dismiss (ECF No. 3) is stricken from the docket as prematurely filed.

Dated: October 16, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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